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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,141

Applicant(s)

SEXTON, DANIEL W.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Notice to Applicant(s)

Claims 1-18 of U.S. Application 09/731141 filed on 12/06/2000 are presented for examination.

DETAILED ACTION

Claims Interpretation

1. Examiner interprets the "local server" as being a device that allows a PLC to plug into its back plane for providing direct connection to the internet as referred to by Papadopoulos as "the web server".
2. Examiner interprets the "wireless user communication device" as being a product including circuitry capable of processing data as referred to by Eady as "the computer system".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadopoulos U.S. Patent No. 6,282,454 in view of Eady U.S. Patent No. 6,304,788.
4. As for claim 1, Papadopoulos shows a method for controlling and monitoring an industrial controller using a portable wireless device, utilizing a system including a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), said method comprising the steps of: monitoring and controlling a system using a

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programmable logic controller (PLC) (col. 4 lines 36-46); exchanging communications between the PLC and a local server (col. 4 lines 21-35); exchanging communications between the local server and an Internet Service Provider (ISP) server utilizing the Internet (col. 3 line 59 to col. 4 line 21). Papadopoulos does not specifically show a method comprising the step of: exchanging communications between the ISP server and a wireless user communication device. However, Eady shows a method comprising the step of: exchanging communications between the ISP server and a wireless user communication device (fig. 3 element 106; and col. 5 lines 21-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for communicating with a wireless user communication device over the Internet.

5. As for claim 2, Papadopoulos shows a method in accordance with Claim 1 wherein said step of exchanging communications between the PLC server and the local server further comprises the step of sending PLC operational data from the PLC to the local server (col. 5 line 64 to col. 6 line 45).

6. As for claim 3, Papadopoulos shows a method in accordance with Claim 2 wherein said step of exchanging communications between the local server and the ISP server further comprises the step of sending the PLC operational data from the local server to the ISP server (col. 9 lines 56-67).

7. As for claim 4, Papadopoulos does not specifically show a method in accordance with Claim 3 wherein the wireless user communication device includes a display for displaying information, said step of exchanging communications between the ISP server and the wireless user communication device further comprises the steps of: sending the PLC operational data

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from the ISP server to the wireless user communication device; and displaying the PLC operational data on the wireless user communication device display. However, Eady shows a method in accordance with Claim 3 wherein the wireless user communication device includes a display for displaying information, said step of exchanging communications between the ISP server and the wireless user communication device further comprises the steps of: sending the monitoring device operational data from the ISP server to the wireless user communication device (fig. 3 element 106; and col. 2 lines 31-46); and displaying the monitoring device operational data on the wireless user communication device display (col. 3 lines 32-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for communicating and displaying the PLC operational data to the wireless user communication device via the internet.

8. As for claim 5, Papadopoulos does not specifically show a method in accordance with Claim 1 wherein the wireless user communication device includes a user interface for inputting information to the wireless user communication device, said step of exchanging communications between the ISP server and the wireless user communications device further comprises the steps of: inputting at least one PLC command; inputting PLC operational response data using the input device; sending the at least one PLC command from the wireless user communication device to the ISP server; and sending the PLC operation response data from the wireless user communication device to the ISP server. However, Eady shows a method in accordance with Claim 1 wherein the wireless user communication device includes a user interface for inputting information to the wireless user communication device, said step of exchanging communications between the ISP server and the wireless user communications device further comprises the steps

of: inputting at least one monitoring device command (col. 3 line 59 to col. 4 line); inputting monitoring device operational response data using the input device (col. 5 lines 60-67); sending the at least one monitoring device command from the wireless user communication device to the ISP server (col. 6 lines 1-10); and sending the monitoring device operation response data from the wireless user communication device to the ISP server (fig. 3 element 106; and col. 5 lines 21-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for inputting PLC command and operational response data using input devices; for sending command and operational response data to ISP server from the wireless user communication device.

9. As for claim 6, Papadopoulos shows a method in accordance with Claim 5 wherein said step of exchanging communications between the local server and the ISP server further comprises the steps of: sending the at least one PLC command from the ISP server to the local server using the Internet (col. 5 line 64 to col. 6 line 45); and sending the PLC operational response data from the ISP server to the local server using the Internet (col. 5 line 64 to col. 6 line 45)

10. As for claim 7, Papadopoulos shows a method in accordance with Claim 6 wherein said step of exchanging communications between the PLC and the local server further comprises the steps of: sending the at least one PLC command from the local server to the PLC (col. 5 line 64 to col. 6 line 45); and sending the PLC operational data from the local server to the PLC (col. 9 lines 17-29).

11. As for claim 8, Papadopoulos shows a method in accordance with claim 1, wherein said step of monitoring and controlling further comprises the steps of: controlling the operation of the

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PLC using the at least one PLC command (col. 6 lines 35-45); and controlling the operation of the PLC using the PLC operational response data (col. 9 lines 17-29).

12. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadopoulos U.S. Patent No. 6,282,454 in view of Eady U.S. Patent No. 6,304,788.
13. As for claim 9, Papadopoulos shows a system for controlling and monitoring an industrial controller comprising: a programmable logic controller (PLC) (col. 4 lines 36-46); a local server configured to exchange communication with said PLC (col. 4 lines 21-35); a wireless Internet Service Provider (ISP) server configured to exchange communication with said local server using the Internet (col. 3 line 59 to col. 4 line 21). Papadopoulos does not specifically show a system for controlling and monitoring an industrial controller using a wireless device, said system comprising: a wireless user communication device configured to exchange communication with said ISP server. However, Eady shows a system for controlling and monitoring an industrial controller using a wireless device, said system comprising: a wireless user communication device configured to exchange communication with said ISP server (fig. 3 element 106; and col. 5 lines 21-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for communicating with a wireless user communication device over the Internet.
14. As for claim 10, Papadopoulos shows a system in accordance with claim 9, wherein said local server further configured to access PLC operation data from said PLC (col. 5 line 64 to col. 6 line 45).

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15. As for claim 11, Papadopoulos shows a system in accordance with claim 10, wherein said local server further configured to communicate the PLC operation data to said ISP server (col. 4 lines 21-35).
16. As for claim 12, Papadopoulos does not specifically show a system in accordance with claim 11, wherein said local server further configured to communicate the PLC operational data to said wireless user communication device. However, Eady shows a system in accordance with claim 11, wherein said local server further configured to communicate the monitoring device to said wireless user communication device (col. 2 line 46-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for establishing communication between the PLC operation data and the wireless user communication device.
17. As for claim 13, Papadopoulos does not specifically show a system in accordance with claim 12, wherein said wireless user communication device further configured to display the PLC operational data. However, Eady shows a system in accordance with claim 12, wherein said wireless user communication device further configured to display the monitoring device operational data (col. 3 lines 32-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for displaying the PLC operational data to the wireless user communication device.
18. As for claim 14, Papadopoulos shows a system in accordance with Claim 9 wherein said wireless user communication device further configured to initiate at least one PLC command and communicate the PLC command to said ISP server (col. 4 lines 32-46).

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19. As for claim 15, Papadopoulos shows a system in accordance with Claim 14 wherein said wireless user communication device further configured to initiate PLC operational response data and communicate the PLC operational response data to said ISP server (col. 9 lines 56-67).
20. As for claim 16, Papadopoulos shows a system in accordance with Claim 15 wherein said ISP server further configured to communicate the at least one PLC command and the PLC operational response data to said local server (col. 4 lines 32-46).
21. As for claim 17, Papadopoulos shows a system in accordance with Claim 16 wherein said local server further configured to communicate the at least one PLC command and the PLC operational response data to said PLC (col. 6 lines 35-45).
22. As for claim 18, Papadopoulos does not specifically show a system in accordance with Claim 9 wherein said wireless user communication device comprises: a user interface configured for the input of information to said wireless communication device; and a display configured to display the user input information and information received by said wireless communication device from said ISP server. However, Eady shows a system in accordance with Claim 9 wherein said wireless user communication device comprises: a user interface configured for the input of information to said wireless communication device (col. 3 line 59 to col. 4 line); and a display configured to display the user input information and information received by said wireless communication device from said ISP server (col. 3 lines 32-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eady with Papadopoulos because it would provide for inputting and displaying user input and received information to the wireless user communication device via the internet.

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Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Hansen U.S. Patent No. 6,317,639 discloses an automatic wireless systems and methods for monitoring an environmental condition of a location at any suitable location at any suitable time.

25. Argyroudis U.S. Patent No. 5,748,104 discloses a wireless remote control telemetry system operating on existing wireless communication systems in order to provide real-time reading and control of remote devices.

26. Crater U.S. Patent No. 5,805,442 discloses an integrated control system to perform a control function and to gather data relevant to the control function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John Follansbee*, can be reached on (703) 305-8498 or via e-mail addressed to [*joh.follansbee@uspto.gov*]. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thomas.pham@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas K. Pham
December 1, 2002



JOHN A. FOLLANSBEE
PRIMARY EXAMINER